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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 January 1992]

Situation of human rights and fundamental freedoms in El Salvador

1. The human rights situation in El Salvador in 1992 has not changed significantly in comparison with recent years as regards the violation of the civil and political rights of the Salvadorian people.

2. According to information from the Human Rights Commission of El Salvador (CDHES), which is affiliated to the International Federation of Human Rights (FIDH), the number of cases of summary or extrajudicial executions had reached 980 by October 1991. According to human rights monitoring bodies such as the Legal Protection Office of the Archdiocese of San Salvador, responsibility for most of these cases lies with the armed forces of El Salvador, the security forces and individuals in civilian clothing (death squads) acting in circumstances in which they are presumed to have received, if not the direct cooperation, at least some degree of protection from the government security bodies.

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3. The murder of young José Luis Navarro by members of the Military Engineering Detachment (DMIFA) in July 1991 was obviously an extrajudicial execution. The crime is even more serious in view of the fact that the Commander of the military detachment went to see the young man's relatives and gave them 1,600 colones (about $200), saying that his death had been an accident. Subsequently, a report by the Armed Forces Press Committee (COPREFA) described the murdered young man as a guerrilla fighter killed in combat with army troops. It is important to draw attention in this connection to the murders perpetrated by individuals in civilian clothing under the protection of branches of the Salvadorian armed forces.

4. As part of the war, there have been extremely disturbing, serious violations of the norms of international humanitarian law. Military operations by the army in areas of conflict are directed more against the inhabitants of those areas than against the guerrillas themselves. This strategy is based on the armed forces' conception of the civilian population, especially the returnee settlements, as pro-FMLN, and thus a legitimate target, as in the case of the killing of a nine-year-old girl, María Teresa Guardado, on 19 March 1991 in the returnee community in Guarjila, Chalatenango, by Military Detachment No. 1, headed by Colonel Turcios Chevez. Members of the detachment even attacked an ambulance on its way to help the girl.

5. The number of illegal arrests carried out by members of the security forces or the army reached 591 during the same period, and all the victims without exception were subjected to torture by their captors while in administrative detention. One example was the arrest of Margarita del Carmen Ruiz, aged 20, by heavily-armed men in civilian clothing who took her to the headquarters of the First Infantry Brigade, headed by Colonel Francisco Helena Fuentes, and accused her of "conspiracy to subvert". She later stated that she had been drugged, beaten and raped by 20 men at the headquarters, that they had later introduced a soft drink bottle into her genitals in front of the soldiers, and that she had later been taken to National Police Headquarters, where she had been subjected to electric shocks on various parts of her body.

6. Among the cases submitted to the Special Representative, Mr. José A. Pastor Ridruejo, there were some extremely disturbing reports from the Department of Morazan in May and June 1991. A report sent to the United Nations by Military Detachment No. 4 (DM-4), prepared by the Commander of the unit, Colonel Leon Linares, states that over a one-year period only 24 arrests were made, all legally. During May and June alone, however, CDHES reported 64 illegal arrests in which the peasants suffered some degree of brutality.

7. It should be added that CDHES has recorded 118 cases of enforced disappearance, concerning which nothing is known to date, despite its efforts to have these cases investigated by our country's judicial bodies. In particular, it has no knowledge of the whereabouts of 25-year-old José Santos García Beltran, who was arrested on 17 November 1991 while working as a guard at the Colonia Bosques de Prusia in the town of Soyapango, San Salvador, by armed men in uniform, who were identified by eyewitnesses as members of the Salvadorian Air Force.

8. Another issue of deep concern to the Salvadorian people has been the reappearance, in public (in practice they have always existed), of clandestine paramilitary groups (now calling themselves the Salvadorian Anti-Communist Front (FAS) and the Secret Army of National Salvation (ESSN)), which have gone from public threats against the lives of members of international organizations and trade-union and religious leaders to terrorist action, threats and action motivated by violent opposition to the negotiation process currently under way between the Government of El Salvador and FMLN. These actions prevent the civilian population from making use of the political possibilities which the agreements signed by both parties have been opening up, and thus jeopardize the peace process that formally began on 16 January 1992, through the good offices of the Secretary-General of the United Nations.

9. As regards the economic and social rights of the population, the Government's measures often have negative effects on its most vulnerable sectors.

10. The closure of sources of employment and the dismissal of workers entailed by these measures have so far left 18,000 workers jobless, aggravating the precarious situation of 85 per cent of Salvadorians, 66 per cent of whom are living in extreme poverty.

11. Another very serious problem that affects the exercise of economic and social rights is the loss of real purchasing power of the wages of the few workers who still have a job. The minimum wage covers only an average of 23 per cent of the basic food basket. According to the Salvadorian Institute for Economic and Social Development (IDESES), the price of the basic food basket increased by about 28 per cent in 1991.

12. Furthermore, the Salvadorian Government has continued to give priority to military spending in the national budget (23 per cent of the budget) to the detriment of funds allocated to health (8.1 per cent), education (barely 48 per cent of demand is covered) and housing.

13. Consequently, the agreements concluded since July 1990 between the Government of El Salvador and FMLN raise hopes of establishing a State under the rule of law. Even though these agreements, especially those relating to human rights, have produced no substantial changes in the country's situation, the commitment by the parties directly involved in the armed conflict to ensure that they are implemented and respected is a point of which the national and international community has constantly been aware.

14. One important aspect with very positive effects on the Salvadorian population is the role played in 1991 by the United Nations Observer Mission in El Salvador (ONUSAL), whose mere presence has helped to limit violations of human rights by individuals and institutions. ONUSAL's work has been of great benefit to the population. Besides the difficult nature of its mission, which is being conducted despite the fact that the armed conflict has not ceased, a misunderstanding and/or lack of awareness of ONUSAL's role has been noted on the part of certain civilian officials and military officers, and there have even been threats against its members.

15. ONUSAL's monitoring work is restricted to a few civil and political rights, and although these rights are very basic, whether or not they are respected is directly and indirectly affected by other rights which are also fundamental and are not mentioned in the above-mentioned political agreement, with the result that ONUSAL's monitoring mission is incomplete.

16. In contrast, the Special Representative's mandate is very broad, emcompassing the monitoring of all human rights. And if, in addition to the limits on ONUSAL's sphere of action, we consider the harrowing social and economic situation being experienced by the Salvadorian population and the challenges involved in establishing peace in El Salvador, we can appreciate the ratification of the Special Representative's mandate is extremely important for Salvadorian society in general.

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